

## **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

### **Claim Amendments**

Claim 1 has been amended to recite a process for the treatment of wet-white leathers or skins. Support for this amendment is found in Applicants' specification on page 1, paragraphs 1 and 2; page 2, paragraphs 4 and 5; page 4, second full paragraph; page 20, first full paragraph; page 21; penultimate and last paragraphs; page 23, penultimate paragraph; page 24, first and second full paragraphs; and instant Example B1 on page 25 referring to "wet white crust".

Accordingly, no new matter has been added to the application by this amendment.

### **Consideration After Final Rejection**

Although this amendment is presented after final rejection, the Examiner is respectfully requested to enter the amendment and consider the remarks, as they clearly place the application in condition for allowance.

### **Patentability Arguments**

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

### **Rejection Under 35 U.S.C. § 103(a)**

The rejection of claims 1-13, 17, 18, 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Baker et al. (U.S. 6,750,188) in view of Komforth et al. (U.S. 6,033,590); as well as the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Baker et al. in view of Komforth et al. and further in view of Bank et al. (U.S. 5,209,775), are respectfully traversed.

*The Position of the Examiner*

The Examiner maintains the same position set forth in the previous Office Action. For completeness, this position is restated below.

The Examiner takes the position that Baker et al. teach washing natural leather shoes with compositions comprising tetraethylenepentamine, which has been ethoxylated, and water proofing agents at temperatures of 15°C to 82°C. The Examiner admits that Baker et al. fail to teach the pretanning with dialdehydes and retanning steps.

The Examiner asserts that Komforth et al. teach that it is convention to tan leathers followed by retanning and fatliquoring, wherein the tanning agent may be glutaraldehyde, the retanning agent may be polybutadienes, and wherein anionic dyes, neutralizing agents, and fatliquoring agents can be used in the treatment liquor in percentages of 0-55%. The Examiner further asserts that Komforth et al. teach that the process is used in making shoes.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to wash shoes prepared by the methods of Komforth et al. with the washing methods taught by Baker et al., because Komforth et al. teach that these methods are effective in preparing tanned leather shoes, and Baker et al. teach the method for carefully preserving the tanning treatment during laundering of natural leather shoes. The Examiner states that one would be motivated to combine the teachings, absent a showing of unexpected results.

Regarding claim 14, the Examiner admits that Baker et al. and Komforth et al. fail to teach the instantly claimed silanes. The Examiner relies upon Bank et al. as teaching that compositions comprising alkyltrialkoxysilanes are efficient in providing water repellence to leather shoes. The Examiner states that it would have been obvious to modify the methods of Baker et al. and Komforth et al. by incorporating the silane water repellants of Bank et al.

*The Examiner's Response to Applicants' Previous Arguments*

The Examiner acknowledges that Applicants argue that Baker et al. and Bank et al. are not directed towards treatment of a raw product rather than an already final product, and that Komforth et al. fail to distinguish between wet-white and wet-blue leather. The Examiner indicates that these arguments are not persuasive, because the claims [did] not require the treatment of a "raw product".

*Applicants' Arguments*

As discussed previously, Applicants' amended claim 1 recites a process for the treatment of wet-white leather. The Examiner correctly notes that the word "leather" is commonly used during all stages for the production of finished leather. For example, the first paragraph of column 1 in the cited Komforth et al. reference reads: "The ...invention relates ...of pretanned leather...for the preparation of leather...".

Applicants assert that if the previous claims were read isolated from Applicants' specification, the Examiner's position (that Applicants' process does not necessarily relate to unfinished leather) might be tenable. However, reading the claims in view of the specification would find a different result. In any event, in order to expedite allowance of the present application, Applicants have amended claim 1 to clearly recite that the leather is "wet-white" leather.

The word "skins" as a substrate for treatment already refers to an obviously unfinished leather, and now amended claim 1 also makes clear that "leather" as a substrate is also an unfinished leather. Applicants assert that only the leather obtained after the so-called "finishing" might then be used for the preparation of a leather product, such as shoes.

Applicants' invention is concerned with "wet-white" leather, which is quite clear from the specification, such as the first paragraph of page 1. Further, amended claim 1 clearly indicates that the claimed method is a process for the treatment of "wet-white" leather, wherein the leathers or skins are pretanned with dialdehydes and retanned with anionic synthetic or organic tanning agents.

As discussed in detail in the previous response, wet-white leather has a far more anionic character when compared to wet-blue leather (usually chromium tanned leather). This anionic character of the wet-white leather makes it difficult to fix anionic auxiliaries such as dyes or fatliquoring agents, due to inherent repulsion (anionic-anionic). Furthermore, as discussed on pages 1 and 2 of Applicants' specification, using cationic auxiliaries is problematic.

Applicants' invention provides a solution for processing wet-white leather by making it possible to fix anionic agents (auxiliaries), such as dyes. Applicants' invention results in stronger fixation between the anionic auxiliaries and the wet-white leather, by treating the wet-white leather with polyamines or reaction products thereof. Please compare Examples B15b1 and b2, on pages 34 and 35 of Applicants' specification.

Thus, Applicants' claimed method provides a solution for fixing anionic agents on wet-white leather.

The Baker et al. reference clearly refers to compositions for the treatment of shoes, including leather-containing shoes, prior to and/or during and/or after washing those shoes. Thus, as discussed in the prior response, this reference relates to the treatment of a final product, which could only be made from finished leather. It is not known, based on the teachings of Baker et al., how the leather shoe was produced with regard to tanning, dyeing and further treatment (finishing such as waterproofing).

Thus, as previously argued, Baker et al. is non-analogous art, based upon MPEP 2141.01(a). [The Examiner is respectfully requested to review Applicants' previous comments in this regard, in view of the amended claims.]

Furthermore, even assuming for the sake of argument that the ready to use "leather products" (the natural leather containing shoes) would be relevant to the instant invention, the reference does not relate to wet-white leather. Specifically, the Examiner refers to column 2, lines 15-20 in the Baker et al. reference, stating that: "because among other reasons, the loss of fatliquors and/or oils and/or tanning agents such as chromium from the leather." Applicants assert that it is quite clear that the present invention applies to "wet-white" leather, rather than "wet-blue" leather (tanned with chromium metals). Thus, Baker et al. is further unrelated to the

claimed invention.

Additionally, a general description of the treatment compositions of Baker et al., which contain a benefit agent, is found in column 5, lines 57-67. A general description for a "benefit agent" is recited in column 6, lines 13-20 of the reference. Further, "Preferred Cleaning System Benefit Agents" are then disclosed in the very long passage from column 11, line 44 up to the beginning of "Preferred Conditioning System Benefit Agents" at column 43, line 26. Thus, the description spans over 30 columns of the reference, and discloses dispersants, surfactants, calcium/ magnesium removal agents and pH modifiers. (See column 11, lines 46-48.)

The Examiner refers to the mentioning of polyamines (column 39, lines 50-55). Applicants acknowledge that polyamines do fall under the above-mentioned long section dealing with possible conditioning agents as part of possible treatment compositions for shoes. However, Applicants note that polyamines are discussed under "clay soil removal/antiredeposition agents". (Please see column 39, lines 26-27 and 29-30.)

"Antiredeposition" can be read as "not-fixing", and is thus in sharp contrast with the "fixing" of Applicants' invention, i.e. of anionic agents on wet-white leather.

Thus, it is clear that the Baker et al. reference is concerned with washing (a treatment) of products, e.g. shoes made from inherently finished leather. There is no disclosure or suggestion in Baker et al. regarding how the (finished) leather was prepared, except the above-discussed reference to "chromium", which teaches away from the claimed invention. Further, the disclosure of polyamines under antiredeposition agent is entirely contradictory to the purpose of Applicants' invention, which is to solve the problem of affixing anionic agents to wet-white leather.

As discussed in Applicants' previous response, the Komforth et al. reference is concerned with retanning and fatliquoring process steps during the preparation of leather, and the reference discloses a composition which allows these process steps being performed simultaneously. According to column 2, lines 16-18 of the reference, the disclosed "compositions are suitable for the treatment of the so-called semi-finished goods prepared for wet dressing, i.e. pretanned leather, e.g. wet-blue and wet-white."

Thus, the Komforth et al. reference is directed to unfinished leather, and fails to

differentiate between wet-white and wet-blue leather. This is clear since the reference mentions both aldehydes (for wet-white) and chromium (for wet-blue) as tanning agents. Furthermore, Komforth et al. are not concerned with fixing anionic agents on wet-white leather, which is evident by the lack of differentiation between anionic and cationic dyes. (Please see column 3, lines 25-26 of the reference.) This is a natural consequence of referring to both wet-white and wet-blue leather. Further still, Examples 4 and 7 of the reference are clearly based upon wet-blue leather.

The presently claimed invention is directed to a special process for the treatment of wet-white leather. The Komforth et al. reference is directed to the treatment of leather in a general way by providing a means which allows for combining two treatment steps during the production of leather as a raw product. However, the Baker et al. reference is directed to the treatment of an already final product, and thus is unrelated to the treatment of leather during production which results in a raw product (as in Komforth et al.)

Thus, contrary to the Examiner's assertion that it would be obvious to "wash shoes prepared by the methods of Komforth . . . with the methods taught by Baker", it would not be obvious to one of ordinary skill in the art to combine the teachings of the references in the manner discussed by the Examiner.

Additionally, as mentioned above, Bank et al. is merely relied upon for the teaching of alkyltrialkylloxysilanes. Since claim 14 is directly dependent upon claim 1, claim 14 is patentable over the teachings of Baker et al. in view of Komforth et al. for the reasons stated above. The teachings of Bank et al. fail to remedy the deficiencies of this combination of references.

Furthermore, the substrate "leather shoes" selected from the surfaces disclosed in the paragraph beginning at column 4, line 47 is clearly distinct from the "wet-white leather" of Applicants' claims.

Therefore, the invention of Applicants' claims is clearly patentable over the cited combination of references.

**Objection of claims 15 and 16**

Applicants appreciate the Examiner's indication that claims 15 and 16 contain allowable subject matter. In view of the remarks set forth above, Applicants respectfully assert that these claims are patentable in their present condition.

**Conclusion**

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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